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Fifty-first session
SIXTH COMMITTEE
Agenda item 142

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Austria, Canada, Chile, Denmark, Finland, Iceland, New Zealand, Norway, Romania, Russian Federation, Spain and Sweden: draft resolution

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992 and 49/48 of 9 December 1994,

Having considered the report of the Secretary-General[1] on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Recalling the possibility of making use, in relation to an armed conflict, of the International Fact-Finding Commission pursuant to article 90 of Additional Protocol I,

[1] A/51/215 and Corr.1 and Add.1.

Stressing the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent was held at Geneva from 4 to 7 December 1995,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. Notes with satisfaction that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the Final Declaration of the International Conference for the Protection of War Victims, adopted on 1 September 1993, which reaffirms the necessity of preventive measures and of making the implementation of international humanitarian law more effective;

5. Further notes that the Twenty-sixth International Conference also endorsed the recommendations elaborated by the Intergovernmental Group of Experts which aim at translating the Final Declaration of the International Conference into concrete measures, including the recommendation that the Depositary of the Geneva Conventions of 1949 organize periodic meetings of States parties to these Conventions to consider general problems regarding the application of international humanitarian law;

6. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the status of the additional Protocols based on information received from Member States;

7. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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Fifty-first session
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Agenda item 142

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS

Austria, Canada, Chile, Denmark, Finland, Iceland, New Zealand, Norway, Romania, Russian Federation, Spain and Sweden: draft resolution

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992 and 49/48 of 9 December 1994,

Having considered the report of the Secretary-General[1] on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Recalling the possibility of making use, in relation to an armed conflict, of the International Fact-Finding Commission pursuant to article 90 of Additional Protocol I,

[1] A/51/215 and Corr.1 and Add.1.

Stressing the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent was held at Geneva from 4 to 7 December 1995,

1. Appreciates the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two additional Protocols of 1977;

2. Appeals to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. Calls upon all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. Calls upon all States Parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. Notes with satisfaction that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the Final Declaration of the International Conference for the Protection of War Victims, adopted on 1 September 1993, which reaffirms the necessity of making the implementation of international humanitarian law more effective;

6. Notes that the Twenty-sixth International Conference also endorsed the recommendations elaborated by the Intergovernmental Group of Experts which aim at translating the Final Declaration of the International Conference into concrete measures, including the recommendation that the Depositary of the Geneva Conventions of 1949 organize periodic meetings of States parties to these Conventions to consider general problems regarding the application of international humanitarian law;

7. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the status of the additional Protocols based on information received from Member States;

8. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".

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Agenda item 147

ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT

Draft resolution proposed by the Chairman

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992 and its resolution 48/31 of 9 December 1993,

Recalling also that the International Law Commission adopted a draft statute for an international criminal court 1/ at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court, 2/

Recalling further its resolution 49/53 of 9 December 1994, in which it decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries,

Recalling its resolution 50/46 of 11 December 1995, in which it decided, in the light of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, 3/ to establish a preparatory committee, open to all States Members of the United Nations or members of specialized agencies or

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1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

2/ Ibid., para. 90.

3/ Ibid., Fiftieth Session, Supplement No. 22 (A/50/22).

of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decided that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by States to the Secretary-General on the draft statute for an international criminal court pursuant to paragraph 4 of General Assembly resolution 49/53 and, as appropriate, contributions of relevant organizations,

Noting that the Preparatory Committee continued the discussion of the major substantive and administrative issues arising out of the draft statute and initiated consideration of draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court,

Noting also that major substantive and administrative issues remain to be resolved,

Noting further that the Preparatory Committee, in the light of the progress made, and deeply aware of the commitment of the international community to the establishment of an international criminal court, recommended that the General Assembly reaffirm the mandate of the Preparatory Committee and give further directions to it,

Recalling that in its resolution 50/46 it resolved to decide, in the light of the report of the Preparatory Committee, on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and duration of the conference,

Noting that the Preparatory Committee, recognizing that this is a matter for the General Assembly, and on the basis of its scheme of work, considered that it is realistic to regard the holding of a diplomatic conference of plenipotentiaries in 1998 as feasible,

Aware of the necessity to maintain some flexibility in the organization of the future work in order to ensure the success of the conference of plenipotentiaries,

Expressing deep appreciation for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court in June 1998,

1. Takes note of the report of the Preparatory Committee on the Establishment of an International Criminal Court, 4/ including the

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4/ Ibid., Fifty-first Session, Supplement No. 22 (A/51/22).

recommendations contained therein, and expresses its appreciation to the Preparatory Committee for the useful work done and the progress made in fulfilling its mandate;

2. Takes note also of the various views of Governments expressed during the consideration of the report of the Preparatory Committee in the Sixth Committee during the fifty-first session of the General Assembly;

3. Decides to reaffirm the mandate of the Preparatory Committee and directs it to proceed in accordance with paragraph 368 of its report; 5/

5/ Paragraph 368 of the report (A/51/22, vol. II) reads as follows:

"The Preparatory Committee wishes to emphasize the usefulness of its discussions and the cooperative spirit in which the debates took place. In light of the progress made and with an awareness of the commitment of the international community to the establishment of an international criminal court, the Preparatory Committee recommends that the General Assembly reaffirm the mandate of the Preparatory Committee and give the following directions to it:

"(a) To meet three or four times up to a total of nine weeks before the diplomatic conference. To organize its work so that it will be finalized in April 1998 and so as to allow the widest possible participation of States. The work should be done in the form of open-ended working groups, concentrating on the negotiation of proposals with a view to producing a draft consolidated text of a convention to be submitted to the diplomatic conference. No simultaneous meetings of the working groups shall be held. The working methods should be fully transparent and should be by general agreement in order to secure the universality of the convention. Submission of reports on its debates will not be required. Interpretation and translation services will be available to the working groups;

"(b) To deal with the following:

(i) Definition and elements of crimes;

(ii) Principles of criminal law and penalties;

(iii) Organization of the Court;

(iv) Procedures;

(v) Complementarity and trigger mechanism;

(vi) Cooperation with States;

(vii) Establishment of the International Criminal Court and its relationship with the United Nations;

(viii) Final clauses and financial matters;

(ix) Other matters."

4. Also decides that the Preparatory Committee will meet from 10 to 21 February, from 4 to 15 August and from 1 to 12 December 1997,* and from 16 March to 3 April 1998, in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to the diplomatic conference, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

5. Further decides that a diplomatic conference of plenipotentiaries will be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court;

6. Urges participation in the Preparatory Committee by the largest number of States so as to promote universal support for an international criminal court;

7. Requests the Secretary-General to establish a special fund for the participation of the least developed countries in the work of the Preparatory Committee and in the diplomatic conference of plenipotentiaries, and calls upon States to contribute voluntarily to that special fund;

8. Decides to include in the provisional agenda of its fifty-second session the item entitled "Establishment of an international criminal court", in order to make the necessary arrangements for the diplomatic conference of plenipotentiaries to be held in 1998 unless the General Assembly decides otherwise in view of relevant circumstances.

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* These dates are still under consideration.

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Agenda item 145

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Draft resolution proposed by the Chairman of the Working Group on the United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 49/50 of 9 December 1994, to which was annexed the programme for the activities for the third term (1995-1996) of the Decade,

Expressing its appreciation to the Secretary-General for his report[1] submitted pursuant to resolution 50/44 of 11 December 1995,

Having considered the above-mentioned report,

Recalling that at the forty-fifth session of the General Assembly the Sixth Committee established the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that at the fifty-first session the Sixth Committee reconvened the Working Group to continue its work in accordance with resolution 50/44 and all previous resolutions on the item,

Having considered the oral report of the Chairman of the Working Group submitted to the Sixth Committee,

1. Expresses its appreciation to the Sixth Committee for the elaboration, within the framework of its Working Group on the United Nations Decade of International Law, of the programme of activities for the final term (1997-1999) of the Decade, and requests the Working Group to continue its work at the fifty-second session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the third term (1995-1996) of the Decade, including sponsoring conferences on various subjects of international law;

3. Adopts the programme of activities for the final term (1997-1999) of the Decade contained in the annex to the present resolution;

4. Recalls, with appreciation to the Secretary-General, the successful organization of the United Nations Congress on Public International Law, held from 13 to 17 March 1995, which focused on the four main purposes of the Decade, as well as on new challenges and expectations for the twenty-first century, and welcomes the publication of the proceedings of the Congress;

5. Welcomes the establishment of the International Tribunal for the Law of the Sea under the United Nations Convention on the Law of the Sea[2] as a new means of settlement of disputes;

6. Encourages the Office of Legal Affairs to continue in its efforts to bring up to date the publication of the United Nations Juridical Yearbook;

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[1] A/51/278 and Add.1.

[2] Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

7. Invites all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and to provide information in this respect to the Secretary-General for transmission to the General Assembly at its fifty-fourth session;

8. Requests the Secretary-General to submit, on the basis of such information and of new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a final report to the General Assembly at its fifty-fourth session on the implementation of the programme;

9. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

10. Appeals to States, international organizations and non-governmental organizations working in the field of international law and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

11. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to the present resolution;

12. Takes note with appreciation of the activities undertaken by the International Committee of the Red Cross in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

13. Decides to include in the provisional agenda of its fifty-second session the item entitled "United Nations Decade of International Law".

ANNEX

Programme for the activities for the final term (1997-1999) of the United Nations Decade of International Law

I. PROMOTION OF THE ACCEPTANCE OF AND RESPECT FOR THE PRINCIPLES OF INTERNATIONAL LAW

1. The General Assembly, bearing in mind that maintenance of international peace and security is the underlying condition for the success of the implementation of the programme for the United Nations Decade of International Law, calls upon States to act in accordance with international law, and in particular the Charter of the United Nations, and encourages States and international organizations to promote the acceptance of and respect for the principles of international law.

2. States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are

invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties and, if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties that have not achieved wider participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

3. States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties, in accordance with their national legal systems.

4. States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of this information and to submit it to the General Assembly.

5. The General Assembly, recognizing the importance of the protection of cultural property in the event of armed conflict, takes note of the efforts under way to facilitate the implementation of existing international instruments in this field.

II. PROMOTION OF MEANS AND METHODS FOR THE PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES, INCLUDING RESORT TO AND FULL RESPECT FOR THE INTERNATIONAL COURT OF JUSTICE

6. States, the United Nations system of organizations and regional organizations, including the Asian-African Legal Consultative Committee, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

7. Noting the establishment of the International Tribunal for the Law of the Sea in October 1996 in accordance with the United Nations Convention on the Law of the Sea,[2] States and other entities referred to in article 20 of annex VI of the Convention are encouraged to consider making use of the Tribunal for the peaceful settlement of disputes in accordance with article 21 of annex VI of the Convention.

8. Taking into account the suggestions mentioned in paragraph 1 of the present section and with due regard to the recommendations contained in the

report of the Secretary-General entitled "An Agenda for Peace",[3] the Sixth Committee should consider, where appropriate, on the basis of a report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, or of the Working Group on the United Nations Decade of International Law, the following questions:

(a) Strengthening the use of means and methods for the peaceful settlement of disputes, with particular attention to the role to be played by the United Nations, as well as methods for early identification and prevention of disputes and their containment;

(b) Procedures for the peaceful settlement of disputes arising in specific areas of international law;

(c) Ways and means of encouraging greater recognition of the role of the International Court of Justice and its wider use in the peaceful settlement of disputes;

(d) Enhancement of cooperation of regional organizations with the United Nations system of organizations in respect of the peaceful settlement of disputes;

(e) Wider use of the Permanent Court of Arbitration.

III. ENCOURAGEMENT OF THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

9. International organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on the relevant activities of the United Nations, including those of the International Law Commission. Such information should be presented in a final report by the Secretary-General to the Sixth Committee.

10. On the basis of the information mentioned in paragraph 9 above, States are invited to submit suggestions for consideration by the Sixth Committee and, as appropriate, recommendations. In particular, efforts should be made to identify areas of international law that might be ripe for progressive development or codification.

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[3] A/47/277-S/24111.

11. The Sixth Committee should study, taking into account General Assembly resolution 684 (VII) of 6 November 1952,[4] its coordinating role with respect, inter alia, to the drafting of provisions of a legal nature and the consistent use of legal terminology in international instruments adopted by the General Assembly. States are invited to present proposals in this regard to the Sixth Committee.

12. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should continue to study possible measures to strengthen the United Nations system for the maintenance of international peace and security. In that context, the Special Committee should bear in mind the debate within the United Nations, in particular in the General Assembly, of the Secretary-General's report entitled "An Agenda for Peace".

IV. ENCOURAGEMENT OF THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

13. Within the context of considering appropriate activities to mark the final term of the Decade's programme, States, the United Nations system of organizations and regional organizations and institutions referred to in the programme should encourage:

(a) The publication of essays on subjects of international law written by legal advisers of States and international organizations, scholars and other legal practitioners providing a useful perspective on international law as viewed from their standpoint;

(b) The organization at the national, regional and international level of symposia, conferences, seminars, lectures and meetings on selected topics or themes of international law during the remaining years of the Decade to celebrate the end of it. Suggested topics for consideration could include, without limiting other suggestions, the contribution of the United Nations to international law; more effective means of implementing the rules of international law; merits or otherwise of treaties and other forms of instruments such as resolutions, declarations and so on; future topics for the International Law Commission; and the role of the International Court of Justice in the settlement of disputes and advisory opinions.

14. The Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law should, in the context of the Decade, continue to formulate, as appropriate and in a timely manner, relevant guidelines for the Programme's activities and report to the Sixth Committee on the activities carried out under the Programme in accordance with such guidelines. Special emphasis should be given to supporting academic and professional institutions already carrying out research and education in international law, as well as to encouraging the establishment of such institutions where they might not exist, in particular in the developing

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[4] See annex II to the rules of procedure of the General Assembly (A/520/Rev.15).

countries. States and other public or private bodies are encouraged to contribute to the strengthening of the Programme.

15. States and law faculties of higher educational institutions are encouraged to include international law as a core subject in their curricula. They are also encouraged to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. They should also consider introducing public international law courses geared towards career training and the establishment of clinical programmes in various areas of international law. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries, on the other, should be encouraged.

16. States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

17. States, international organizations and professional and academic institutions should consider making available materials to the United Nations audio-visual library on international law proposed by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

18. States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, the Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating with States in this respect.

19. In connection with training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines or military manuals and instructions prepared by the International Committee of the Red Cross.[5]

20. Cooperation among developing countries, as well as between developed and developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law, is encouraged.

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[5] A/49/323, annex.

21. In order to make better known the practice of international law, States and international and regional organizations should endeavour to publish, if they have not done so, summaries, repertories or yearbooks of their practice. They should also endeavour to place this material on computer networks for wider and instant distribution. The Office of Legal Affairs of the Secretariat is encouraged to continue its efforts in this regard, including through its participation in the Global Legal Information Network project.

22. The Secretary-General, in cooperation with the Registry of the International Court of Justice, is encouraged to publish, to the extent feasible and in a timely manner, the publication updating the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991),[6] at present under preparation, in all official languages of the Organization.

23. Other international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

24. International organizations are encouraged to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Juridical Yearbook is also encouraged.

V. PROCEDURES AND ORGANIZATIONAL ASPECTS

25. The Sixth Committee, working primarily through its Working Group on the United Nations Decade of International Law and with the assistance of the Secretariat, will be the coordinating body of the programme for the Decade. The question of the use of an intra-sessional, inter-sessional or existing body to carry out specific activities of the programme may be considered by the General Assembly.

26. States are encouraged to establish, as necessary, national, subregional and regional committees, which may assist in the implementation of the programme for the Decade. Non-governmental organizations are encouraged to promote the purposes of the Decade within the fields of their activities, as appropriate.

27. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged in order to implement the programme for the Decade. To that end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

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[6] ST/LEG/SER.F/1 (United Nations publication, Sales No. E.92.V.5).

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CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES

Argentina, Austria, Canada, Chile, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Netherlands, Norway, Romania, Russian Federation, Sweden, Turkey, Ukraine and Uruguay: draft resolution

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Dismayed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

[1] A/51/257 and Add.1.

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in later Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. Takes note of the report of the Secretary-General;

2. Strongly condemns acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. Urges States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. Also urges States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to bring offenders to justice;

5. Recommends that States should cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

6. Urges States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse

of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. Recommends that States should cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its judicial authorities in order to bring offenders to justice;

8. Calls upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. Also calls upon States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. Requests all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

11. Requests the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 10 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

12. Decides to include in the provisional agenda of its fifty-third session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

UNITED NATIONS

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General Assembly

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21 November 1996

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Fifty-first session
SIXTH COMMITTEE
Agenda item 145

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Draft resolution proposed by the Chairman

Electronic treaties database

The General Assembly,

Conscious of the obligations resulting from Article 102 of the Charter of the United Nations and the importance of treaties in the development of international law and the international legal order,

Noting that the recent expansion of the membership of the Organization, combined with an increase in international treaty-making activity, has led to the growth in the volume of work carried out by the Treaty Section of the Office of Legal Affairs and contributed to the accumulation of unpublished treaties,

Recognizing, consistent with the obligation contained in Article 102 of the Charter, the importance of the expeditious processing, registration and publication of treaties and treaty-related actions,

Welcoming the range of measures already taken by the Treaty Section of the Office of Legal Affairs to expedite the publication of the United Nations Treaty Series and to provide electronic access to the publication Multilateral Treaties Deposited with the Secretary-General through the Internet,

Desirous that all efforts are made to ensure that the Treaty Section develops a comprehensive electronic database containing all treaty depositary and registration information,

Noting the steps taken by the Ad Hoc Open-Ended Working Group on Informatics established by the Economic and Social Council to harmonize and improve United Nations information systems for optimal utilization and accessibility by all Member States,

Noting also that the existing and proposed Internet access to United Nations treaties publications is and will be in addition to the hard-copy printed versions of such publications,

1. Welcomes the statement of objective contained in the report of the Secretary-General on the United Nations Decade of International Law, to develop a comprehensive electronic database containing all depositary and registration information and disseminate electronically treaty and treaty law-related information from the database, including on-line access;[1]

2. Recalls the request of the Legal Counsel that in order to expedite the registration and publication of treaties all Member States submit treaty texts in disk or other electronic format in addition to the certified print copy;

3. Requests the Secretary-General to continue to give priority to the implementation of the computerization programme in the Treaty Section;

4. Calls upon the Secretary-General to ensure that all necessary support is provided to expedite the publication of the printed version of the United Nations Treaties Series through the prompt provision of the necessary equipment and translation services;

5. Endorses the proposed Internet dissemination of the United Nations Treaty Series, following the same rules applicable to the printed version of the publication, in addition to the current access to the Multilateral Treaties Deposited with the Secretary-General, and recognizes that Internet access to treaties and treaty law-related information is particularly valuable in countries where the cost of maintaining complete collections of treaties in bound volume form is relatively high;

6. Also endorses the Secretary-General's exploring the economic and practical feasibility of recovering the costs of providing such Internet access to the United Nations Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, subject to Member States, organizations of the United Nations system, international organizations and other non-commercial users not being charged a user fee, and presenting his findings to Member States;

7. Invites the Secretary-General to consider the possibility of translating the list of titles of treaties appearing in the publication Multilateral Treaties Deposited with the Secretary-General into the other official languages of the United Nations and disseminating such lists via the Internet, and to present a report to the General Assembly at its fifty-second session;

8. Invites the specialized agencies of the United Nations, other international organizations and Member States with depositary functions for multilateral treaties to use their best endeavours to provide Internet access to treaties and treaty law-related information as soon as practicable.

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[1] A/51/278, para. 91.

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SIXTH COMMITTEE
Agenda item 149

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Canada, Costa Rica, Côte d'Ivoire, Cyprus and Spain: draft resolution

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[1]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[2] and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[3] and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

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[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 26 (A/51/26).

[2] Resolution 22 A (I).

[3] See resolution 169 (II).

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 65 of its report;

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country, and hopes that the concerns raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Notes with appreciation the efforts of the Committee which have contributed to a decrease in the amount of diplomatic indebtedness, stresses that existing indebtedness continues to be a matter of significant concern to the United Nations and that non-payment of just debts tarnishes the image of the Organization itself, and reaffirms that non-compliance with contractual obligations cannot be condoned or justified;

5. Welcomes the efforts of the Committee aimed at identifying affordable health care programmes for the diplomatic community;

6. Once again urges the host country to consider lifting travel controls with regard to certain missions and to staff members of the Secretariat of certain nationalities, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

7. Notes with satisfaction the steps taken by the host country at John F. Kennedy International Airport with regard to special passages for members of the United Nations community and urges the host country to continue to take appropriate action in this regard to ensure application of these procedures;

8. Calls upon the host country to review measures and procedures relating to the parking of diplomatic vehicles, with a view to responding to the growing needs of the diplomatic community, and to consult with the Committee on these issues;

9. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

10. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

11. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Committee on Relations with the Host Country".

UNITED
NATIONS

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General Assembly

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ORIGINAL: ENGLISH

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SIXTH COMMITTEE
Agenda item 151

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft resolution proposed by the Coordinator of informal consultations

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolution 50/53 of 11 December 1995,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Guided by the purposes and principles of the Charter of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

Noting in this context all regional and international efforts to combat international terrorism, including those of the Organization of African Unity,

[1] Resolution 50/6.

the Organization of American States, the Organization of the Islamic Conference, the South Asian Association for Regional Cooperation, the European Union, the Council of Europe, the Movement of Non-Aligned Countries and the countries of the Group of Seven and the Russian Federation,

Noting also the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on educational activities under the project "Towards a culture of peace",[2]

Recalling that in the Declaration on Measures to Eliminate International Terrorism the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the future the elaboration of a global international convention,

Noting that terrorist attacks by means of bombs, explosives or other incendiary or lethal devices have become increasingly widespread, and recognizing the need to supplement the existing legal instruments in order to address specifically the problem of terrorist attacks carried out by such means,

Stressing the need to enhance international cooperation to prevent the use of nuclear materials for terrorist purposes and to develop an appropriate legal instrument,

Stressing also the need to strengthen international cooperation to prevent the use of chemical and biological materials for terrorist purposes,

Convinced of the need to implement effectively and supplement the provisions of the Declaration on Measures to Eliminate International Terrorism,

Having examined the report of the Secretary-General,[3]

I

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

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[2] A/51/395, annex.

[3] A/51/336 and Add.1.

3. Calls upon all States to adopt further measures in accordance with the relevant provisions of international law and international standards of human rights to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider the adoption of measures such as those contained in the official document of the Ministerial Conference on Terrorism of the Countries of the Group of Seven and the Russian Federation held in Paris on 30 July 1996[4] and the plan of action adopted by the Inter-American Specialized Conference on Terrorism held at Lima from 23 to 26 April 1996 in the framework of the Organization of American States,[5] and, in particular, calls upon all States to:

(a) Recommend that relevant security officials undertake consultations to improve the capability of Governments to prevent, investigate and respond to terrorist attacks on public facilities, in particular means of public transport, and to cooperate with other Governments in this respect;

(b) Accelerate research and development regarding methods of detection of explosives and other harmful substances that can cause death or injury, and undertake consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, and promote cooperation, transfer of technology, equipment and related materials, where appropriate;

(c) Note the risk of terrorists using electronic or wire communications systems and networks to carry out criminal acts and the need to find means, consistent with national law, to prevent such criminality and to promote cooperation where appropriate;

(d) Investigate, when sufficient justification exists according to national laws, and acting within their jurisdiction and through appropriate channels of international cooperation, the abuse of organizations, groups or associations, including those with charitable, social or cultural goals, by terrorists using them as a cover for their own activities;

(e) Develop if necessary, especially by entering into bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding investigations and collecting evidence, as well as cooperation between law enforcement agencies in order to detect and prevent terrorist acts;

(f) Take steps to prevent and counteract, through appropriate domestic measures, the financing of terrorists and terrorist organizations, whether such financing is direct or indirect through organizations which also have or claim to have charitable, social or cultural goals, or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering, including the exploitation of persons for purposes of funding terrorist activities, and in particular to consider, where appropriate, adopting

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[4] A/51/261, annex.

[5] A/51/336, para. 57.

regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements and to intensify the exchange of information concerning international movements of such funds;

4. Also calls upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in doing so, to avoid the dissemination of inaccurate or unverified information;

5. Reiterates its call upon States to refrain from financing, encouraging, training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to the Convention on Offences and Certain Other Acts committed on Board Aircraft, signed at Tokyo on 14 September 1963,[6] the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970,[7] the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971,[8] the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973,[9] the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979,[10] the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980,[11] the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988,[12] the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988,[13] the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988,[14] and the Convention on the Marking of Plastic Explosives for the Purpose of

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[6] United Nations, Treaty Series, vol. 704, No. 10106.

[7] Ibid., vol., 860, No. 12325.

[8] Ibid., vol., 974, No. 14118.

[9] Ibid., vol., 1035, No. 15410.

[10] General Assembly resolution 34/146, annex.

[11] International Legal Materials, vol. XVIII, p. 1419.

[12] ICAO document DOC 9518, reprinted in ibid., vol. XXVII, p. 627.

[13] Ibid., p. 672.

[14] Ibid., p. 685.

Detection, done at Montreal on 1 March 1991,[15] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of these Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to provide support and assistance to other Governments for these purposes;

II

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism, annexed to resolution 49/60;

8. Approves the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

III

9. Decides to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments; thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism;

10. Decides also that the Ad Hoc Committee will meet from 24 February to 7 March 1997 to prepare the text of a draft international convention for the suppression of terrorist bombings, and recommends that work continue during the fifty-second session of the General Assembly from 22 September to 3 October 1997 in the framework of a working group of the Sixth Committee;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-second session on progress made towards the elaboration of the draft convention;

13. Recommends that the Ad Hoc Committee be convened in 1998 to continue its work as referred to in paragraph 9 above;

IV

14. Decides to include in the provisional agenda of its fifty-second session the item entitled "Measures to eliminate international terrorism".

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[15] S/22393, annex I; International Legal Materials, vol. XXX, p. 721.

ANNEX

Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Measures to Eliminate International Terrorism adopted by the General Assembly in its resolution 49/60 of 9 December 1994,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[16]

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

Underlining the importance of States developing extradition agreements or arrangements as necessary in order to ensure that those responsible for terrorist acts are brought to justice,

Noting that the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951,[17] does not provide a basis for the protection of perpetrators of terrorist acts, also noting in this context articles 1, 2, 32 and 33 of the Convention, and emphasizing in this regard the need for States parties to ensure the proper application of the Convention,

Stressing the importance of full compliance by States with their obligations under the provisions of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,[18] including the principle of non-refoulement of refugees to places where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, and affirming that the present Declaration does not affect the protection afforded under the terms of the Convention and Protocol and other provisions of international law,

Recalling article 4 of the Declaration on Territorial Asylum adopted by the General Assembly in its resolution 2312 (XXII) of 14 December 1967,

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[16] Resolution 50/6.

[17] United Nations, Treaty Series, vol. 189, No. I-2545.

[18] Ibid., vol. 606, No. I-8791.

Stressing the need further to strengthen international cooperation between States in order to prevent, combat and eliminate terrorism in all its forms and manifestations,

Solemnly declares the following:

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed, including those which jeopardize friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. The States Members of the United Nations reaffirm that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations; they declare that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

3. The States Members of the United Nations reaffirm that States should take appropriate measures in conformity with the relevant provisions of national and international law and international standards of human rights before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts, considering in this regard relevant information as to whether the asylum-seeker is subject to investigation or is charged with or has been convicted of offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status is not used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens;

4. The States Members of the United Nations emphasize that asylum-seekers who are awaiting the processing of their asylum applications may not thereby avoid prosecution for terrorist acts;

5. The States Members of the United Nations reaffirm the importance of ensuring effective cooperation between Member States so that those who have participated in terrorist acts, including their financing, planning or incitement, are brought to justice; they stress their commitment, in conformity with the relevant provisions of international law and international standards of human rights, to work together to prevent, combat and eliminate terrorism and to take all appropriate steps under their domestic laws either to extradite terrorists or to submit their cases to the competent authorities for the purpose of prosecution;

6. In this context, and while recognizing the sovereign rights of States in extradition matters, States are encouraged, when concluding or implementing extradition agreements, not to regard as political offences excluded from the scope of those agreements offences connected with terrorism which endanger or represent a physical threat to the safety and security of persons, whatever the motives which may be invoked to justify them;

7. States are also encouraged, even in the absence of a treaty, to consider facilitating the extradition of persons suspected of having committed terrorist acts, insofar as their national laws permit;

8. The States Members of the United Nations emphasize the importance of taking steps to share expertise and information about terrorists, their movements, their support and their weapons, and to share information regarding the investigation and prosecution of terrorist acts.

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SIXTH COMMITTEE
Agenda item 151

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft resolution proposed by the Chairman

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolution 50/53 of 11 December 1995,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Guided by the purposes and principles of the Charter of the United Nations,

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

Noting in this context all regional and international efforts to combat international terrorism, including those of the Organization of African Unity, the Organization of American States, the Organization of the Islamic Conference,

[1] Resolution 50/6.

the South Asian Association for Regional Cooperation, the European Union, the Council of Europe, the Movement of Non-Aligned Countries and the countries of the Group of Seven and the Russian Federation,

Noting also the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on educational activities under the project "Towards a culture of peace",[2]

Recalling that in the Declaration on Measures to Eliminate International Terrorism the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism,

Noting that terrorist attacks by means of bombs, explosives or other incendiary or lethal devices have become increasingly widespread, and stressing the need to supplement the existing legal instruments in order to address specifically the problem of terrorist attacks carried out by such means,

Recognizing the need to enhance international cooperation to prevent the use of nuclear materials for terrorist purposes and to develop an appropriate legal instrument,

Recognizing also the need to strengthen international cooperation to prevent the use of chemical and biological materials for terrorist purposes,

Convinced of the need to implement effectively and supplement the provisions of the Declaration on Measures to Eliminate International Terrorism,

Having examined the report of the Secretary-General,[3]

I

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;

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[2] A/51/395, annex.

[3] A/51/336 and Add.1.

3. Calls upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider the adoption of measures such as those contained in the official document of the Ministerial Conference on Terrorism of the Countries of the Group of Seven and the Russian Federation held in Paris on 30 July 1996[4] and the plan of action adopted by the Inter-American Specialized Conference on Terrorism held at Lima from 23 to 26 April 1996 in the framework of the Organization of American States,[5] and, in particular, calls upon all States to:

(a) Recommend that relevant security officials undertake consultations to improve the capability of Governments to prevent, investigate and respond to terrorist attacks on public facilities, in particular means of public transport, and to cooperate with other Governments in this respect;

(b) Accelerate research and development regarding methods of detection of explosives and other harmful substances that can cause death or injury, undertake consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, and promote cooperation, transfer of technology, equipment and related materials, where appropriate;

(c) Note the risk of terrorists using electronic or wire communications systems and networks to carry out criminal acts and the need to find means, consistent with national law, to prevent such criminality and to promote cooperation where appropriate;

(d) Investigate, when sufficient justification exists according to national laws, and acting within their jurisdiction and through appropriate channels of international cooperation, the abuse of organizations, groups or associations, including those with charitable, social or cultural goals, by terrorists using them as a cover for their own activities;

(e) Develop if necessary, especially by entering into bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding investigations and collecting evidence, as well as cooperation between law enforcement agencies in order to detect and prevent terrorist acts;

(f) Take steps to prevent and counteract, through appropriate domestic measures, the financing of terrorists and terrorist organizations, whether such financing is direct or indirect through organizations which also have or claim to have charitable, social or cultural goals, or which are also engaged in unlawful activities such as illicit arms trafficking, drug dealing and racketeering, including the exploitation of persons for purposes of funding terrorist activities, and in particular to consider, where appropriate, adopting

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[4] A/51/261, annex.

[5] A/51/336, para. 57.

regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements and to intensify the exchange of information concerning international movements of such funds;

4. Also calls upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in doing so, to avoid the dissemination of inaccurate or unverified information;

5. Reiterates its call upon States to refrain from financing, encouraging, training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963,[6] the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970,[7] the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971,[8] the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973,[9] the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979,[10] the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980,[11] the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988,[12] the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988,[13] the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988,[14] and the Convention on the Marking of Plastic Explosives for the Purpose of

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[6] United Nations, Treaty Series, vol. 704, No. 10106.

[7] Ibid., vol., 860, No. 12325.

[8] Ibid., vol., 974, No. 14118.

[9] Ibid., vol., 1035, No. 15410.

[10] General Assembly resolution 34/146, annex.

[11] International Legal Materials, vol. XVIII, p. 1419.

[12] ICAO document DOC 9518, reprinted in ibid., vol. XXVII, p. 627.

[13] Ibid., p. 672.

[14] Ibid., p. 685.

Detection, done at Montreal on 1 March 1991,[15] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of these Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to provide support and assistance to other Governments for these purposes;

II

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism, annexed to resolution 49/60;

8. Approves the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, the text of which is annexed to the present resolution;

III

9. Decides to establish an Ad Hoc Committee, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments; thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism;

10. Decides also that the Ad Hoc Committee will meet from 24 February to 7 March 1997 to prepare the text of a draft international convention for the suppression of terrorist bombings, and recommends that work continue during the fifty-second session of the General Assembly from 22 September to 3 October 1997 in the framework of a working group of the Sixth Committee;

11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-second session on progress made towards the elaboration of the draft convention;

13. Recommends that the Ad Hoc Committee be convened in 1998 to continue its work as referred to in paragraph 9 above;

IV

14. Decides to include in the provisional agenda of its fifty-second session the item entitled "Measures to eliminate international terrorism".

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[15] S/22393, annex I; International Legal Materials, vol. XXX, p. 721.

ANNEX

Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on Measures to Eliminate International Terrorism adopted by the General Assembly in its resolution 49/60 of 9 December 1994,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[16]

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms and manifestations, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the security of States,

Underlining the importance of States developing extradition agreements or arrangements as necessary in order to ensure that those responsible for terrorist acts are brought to justice,

Noting that the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951,[17] does not provide a basis for the protection of perpetrators of terrorist acts, also noting in this context articles 1, 2, 32 and 33 of the Convention, and emphasizing in this regard the need for States parties to ensure the proper application of the Convention,

Stressing the importance of full compliance by States with their obligations under the provisions of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees,[18] including the principle of non-refoulement of refugees to places where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, and affirming that the present Declaration does not affect the protection afforded under the terms of the Convention and Protocol and other provisions of international law,

Recalling article 4 of the Declaration on Territorial Asylum adopted by the General Assembly in its resolution 2312 (XXII) of 14 December 1967,

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[16] Resolution 50/6.

[17] United Nations, Treaty Series, vol. 189, No. I-2545.

[18] Ibid., vol. 606, No. I-8791.

Stressing the need further to strengthen international cooperation between States in order to prevent, combat and eliminate terrorism in all its forms and manifestations,

Solemnly declares the following:

1. The States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed, including those which jeopardize friendly relations among States and peoples and threaten the territorial integrity and security of States;

2. The States Members of the United Nations reaffirm that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations; they declare that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

3. The States Members of the United Nations reaffirm that States should take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts, considering in this regard relevant information as to whether the asylum-seeker is subject to investigation for or is charged with or has been convicted of offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status is not used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens;

4. The States Members of the United Nations emphasize that asylum-seekers who are awaiting the processing of their asylum applications may not thereby avoid prosecution for terrorist acts;

5. The States Members of the United Nations reaffirm the importance of ensuring effective cooperation between Member States so that those who have participated in terrorist acts, including their financing, planning or incitement, are brought to justice; they stress their commitment, in conformity with the relevant provisions of international law, including international standards of human rights, to work together to prevent, combat and eliminate terrorism and to take all appropriate steps under their domestic laws either to extradite terrorists or to submit the cases to their competent authorities for the purpose of prosecution;

6. In this context, and while recognizing the sovereign rights of States in extradition matters, States are encouraged, when concluding or applying extradition agreements, not to regard as political offences excluded from the scope of those agreements offences connected with terrorism which endanger or represent a physical threat to the safety and security of persons, whatever the motives which may be invoked to justify them;

7. States are also encouraged, even in the absence of a treaty, to consider facilitating the extradition of persons suspected of having committed terrorist acts, insofar as their national laws permit;

8. The States Members of the United Nations emphasize the importance of taking steps to share expertise and information about terrorists, their movements, their support and their weapons, and to share information regarding the investigation and prosecution of terrorist acts.

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General Assembly

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A/C.6/51/L.16
25 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda item 144

CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES

Draft resolution proposed by the Chairman

The General Assembly,

Bearing in mind Article 13, paragraph 1 (a), of the Charter of the United Nations,

Reaffirming its resolution 49/52 of 9 December 1994, by which it decided that the Sixth Committee should convene, at the beginning of the fifty-first session, as a working group of the whole to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles adopted by the International Law Commission,

Noting that some progress was achieved in the elaboration of the convention, but that the Working Group will need more time to complete its mandate,

1. Takes note of the report of the Working Group of the Whole;[1]

2. Decides to convene a second session of the Working Group of the Whole of the Sixth Committee, for a period of two weeks, from 24 March to 4 April 1997 to elaborate a framework convention on the law of the non-navigational uses of international watercourses;

3. Also decides that on the completion of its mandate the Working Group of the Whole shall report directly to the General Assembly;

[1] A/C.6/51/L.3.

4. Further decides that the provisions of paragraph 5 of resolution 49/52 shall continue to apply, and that the methods of work and procedures outlined in the annex to the present resolution shall be followed.

ANNEX

Methods of work and procedures

1. The Working Group of the Whole shall continue its work building on the work already carried out by the Drafting Committee and the Working Group as reflected in their reports,[2] including the oral report of the President of the Drafting Committee.[3]

2. The Working Group of the Whole shall maintain its Drafting Committee, which shall consider the provisions of the draft articles prepared by the International Law Commission that it was unable to consider in its previous meetings, as well as the draft preamble and the set of final clauses.

3. Other issues arising from the reports referred to in paragraph 1 of the present annex, including those between brackets and with footnotes, shall be discussed in the Working Group of the Whole. The Working Group of the Whole may decide to refer to the Drafting Committee aspects of drafting related to those issues.

4. The Working Group of the Whole shall endeavour to adopt all texts by general agreement. Failing such an agreement within a reasonable period of time, it will take its decisions in accordance with the rules of procedure of the General Assembly.

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[2] A/C.6/51/NUW/WG/L.1 and Corr.1 and 2, Add.1, Add.2 and Corr.1, Add.3 and Corr.1 and Add.4; and A/C.6/51/L.3.

[3] A/C.6/51/SR.24.

UNITED
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General Assembly

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A/C.6/51/L.17
25 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda item 146

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-EIGHTH SESSION

Draft resolution proposed by the Chairman

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-eighth session,[1]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may

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[1] Official Records of the General Assembly, Fifty-first Session, Supplement No. 10 and corrigendum (A/51/10 and Corr.1).

[2] Resolution 2625 (XXV), annex.

be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. Takes note of the report of the International Law Commission on the work of its forty-eighth session;

2. Expresses its appreciation to the International Law Commission for the work accomplished at the forty-eighth session, in particular for completing the final draft articles on the draft Code of Crimes against the Peace and Security of Mankind and the provisional draft articles on State responsibility, and draws the attention of the States participating in the Preparatory Committee for the Establishment of an International Criminal Court to the relevance of the draft Code to their work;

3. Requests the Secretary-General to invite Governments to present, before the end of the fifty-third session of the General Assembly, their written comments and observations on action which might be taken in relation to the draft Code of Crimes against the Peace and Security of Mankind;

4. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

5. Draws the attention of Governments to the importance, for the International Law Commission, of having their views on the draft articles on State responsibility adopted on first reading by the Commission, and urges them to present in writing their comments and observations by 1 January 1998, as requested by the Commission;

6. Encourages Governments who may wish to do so to provide their comments and observations in writing on the report of the Working Group on International Liability for Injurious Consequences Arising out of Acts not Prohibited by International Law annexed to the report of the International Law Commission in order that the Commission may, in the light of the report of the Working Group and such comments and observations as may be made by Governments and those that have been made in the Sixth Committee, consider at its forty-ninth session how to proceed with its work on the topic and make early recommendations thereon;

7. Invites States and international organizations, particularly those which are depositaries, to answer promptly the questionnaire prepared by the Special Rapporteur on the topic concerning reservations to treaties;

8. Takes note of the completion of the preliminary study of the topic "State succession and its impact on the nationality of natural and legal persons" and requests the International Law Commission to undertake the substantive study of the topic entitled "Nationality in relation to the succession of States" in accordance with the modalities provided for in paragraph 88 of its report, and invites Governments to submit comments on the practical problems raised by succession of States affecting nationality of legal persons;

9. Takes note with appreciation of paragraphs 143 to 244 of the report of the International Law Commission concerning its procedures and working methods;

10. Takes note of the comments of the International Law Commission on the question of a split session, as presented in paragraphs 223 to 233 of its report;

11. Encourages the International Law Commission, in relation to its internal matters, to take decisions which could contribute to its efficiency and productivity;

12. Takes note of the decision of the International Law Commission contained in paragraph 256 of its report on the duration of its next session;

13. Invites the International Law Commission further to examine the topics "Diplomatic protection" and "Unilateral acts of States" and to indicate the scope and the content of the topics in the light of the comments and observations made during the debate in the Sixth Committee on the report and any written comments that Governments may wish to submit;

14. Requests the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

15. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

16. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

17. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-first session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. Requests the Secretary-General to make appropriate arrangements to commemorate the fiftieth anniversary of the establishment of the International Law Commission through a colloquium on progressive development and codification of international law to be held during the consideration in the Sixth Committee of the report of the Commission on the work of its forty-ninth session;

19. Recommends that the debate on the report of the International Law Commission at the fifty-second session of the General Assembly commence on 27 October 1997.

UNITED NATIONS **A**

General Assembly

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25 November 1996

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Fifty-first session
SIXTH COMMITTEE
Agenda item 150

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Draft resolution proposed by the Chairman of the Working Group

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned with the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution to those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling also:

(a) The report of the Secretary-General, entitled "An Agenda for Peace",[1] in particular paragraph 41 thereof;

[1] A/47/277-S/24111.

(b) Its resolutions 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", and 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures";

(c) The position paper of the Secretary-General, entitled "Supplement to An Agenda for Peace";[2]

(d) The statement of the President of the Security Council of 22 February 1995;[3]

(e) The report of the Secretary-General prepared pursuant to the note by the President of the Security Council[4] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;[5]

(f) The reports of the Secretary-General on "Economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)";[6]

(g) The 1994,[7] 1995[8] and 1996[9] reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization containing sections on the consideration by the Committee of the proposals presented on the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(h) The report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[10]

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[2] A/50/60-S/1995/1.

[3] S/PRST/1995/9.

[4] S/25036.

[5] A/48/573-S/26705.

[6] A/49/356, A/50/423 and A/51/356.

[7] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33 (A/49/33).

[8] Ibid., Fiftieth Session, Supplement No. 33 (A/50/33).

[9] Ibid., Fifty-first Session, Supplement No. 33 (A/51/33).

[10] A/50/361.

Taking note of the report of the Secretary-General presented in accordance with General Assembly resolution 50/51 of 11 December 1995,[11]

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement of the President of the Security Council of 16 December 1994[12] as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations that there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

Stressing that in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also in this context the powers of the Security Council under Chapter VII of the Charter and the Council's principal responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States;

Recognizing also that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing further that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of its resolution 50/51,

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[11] A/51/317.

[12] S/PRST/1994/81.

1. Underlines the importance of consultations under Article 50 of the Charter of the United Nations, as early as possible, with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter and of early and regular assessments, as appropriate, of their impact on such States;

2. Invites the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for such consultations with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance, in the context of Article 50 of the Charter;

3. Welcomes the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States which find themselves confronted with special economic problems arising from the carrying out of sanctions;

4. Requests the Secretary-General to ensure that the competent units within the Secretariat that he designated to carry out the functions stipulated in paragraph 3 of General Assembly resolution 50/51 develop the capacity and modalities for providing better information and early assessments for the Security Council and its organs at their request about actual or potential effects of sanctions on third States which invoke Article 50 of the Charter. Such assessments should, as appropriate, identify specific problems and needs of those States and suggest specific ways and means for their alleviation to be included in the recommendations of the Council and appeals by the Secretary-General to the donor community for assistance to the adversely affected States;

5. Also requests the Secretary-General to continue, on the basis of the work already done, efforts with a view to developing a possible methodology for assessing the adverse consequences actually incurred by third States as a result of preventive or enforcement measures, and to utilize for this purpose all the expertise available throughout the United Nations system, including that of the international financial and trade institutions. This methodology upon appropriate approval should be made available to interested States which may wish to use it in preparing the data to annex to their applications under Article 50 as well as by the United Nations system, the international financial institutions and the donor community in considering requests for assistance;

6. Further requests the Secretary-General to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions and to initiate action in order to explore innovative and practical measures of assistance to the affected third States, inter alia, through cooperation with relevant institutions and organizations inside and outside the United Nations system;

7. Reaffirms the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council, and as appropriate in identifying solutions to the special economic problems of those States;

8. Invites the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to continue to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of the United Nations agencies and other international organizations;

9. Requests the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1997, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to the third States affected by the application of sanctions under Chapter VII of the Charter taking into consideration all the related reports of the Secretary-General, the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fifty-first session of the General Assembly, and the debate in the sub-group on sanctions of the Open-ended Working Group on "An Agenda for Peace" during the fiftieth session of the General Assembly, and also the implementation of the provisions of the present resolution;

10. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session.

UNITED NATIONS **A**

General Assembly

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26 November 1996
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Fifty-first session
SIXTH COMMITTEE
Agenda item 152

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

Draft decision submitted by the Chairman

The General Assembly decides to resume consideration of the legal aspects of international economic relations at its fifty-fifth session and to include the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" in the provisional agenda of that session.

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UNITED NATIONS **A**

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26 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda item 150

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Egypt, United Republic of Tanzania and Venezuela: draft resolution

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the provisions of its resolution 50/55 of 11 December 1995,

Conscious of the ongoing discussion in the open-ended working groups of the General Assembly dealing with the various aspects of the revitalization, strengthening and reform of the work of the United Nations,

Noting the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and other matters related to the Security Council[1] and the report of the

[1] A/50/47 and Add.1.

Open-ended High-level Working Group on the Strengthening of the United Nations System,[2]

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh,[3] thirty-ninth,[4] fortieth,[5] forty-first,[6] forty-second,[7] forty-third,[8] forty-fourth,[9] forty-fifth,[10] forty-sixth,[11] forty-seventh,[12] forty-eighth,[13] forty-ninth,[14] fiftieth[15] and fifty-first[16] sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also the provisions of its resolution 50/51 of 11 December 1995 on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions,

Taking note of the report of the Secretary-General presented in accordance with General Assembly resolution 50/51,[17]

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[2] Official Records of the General Assembly, Fiftieth Session, Supplement No. 24 (A/50/24).

[3] Ibid., Thirty-seventh Session, Supplement No. 1 (A/37/1).

[4] Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

[5] Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

[6] Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

[7] Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

[8] Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

[9] Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

[10] Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

[11] Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

[12] Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

[13] Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

[14] Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

[15] Ibid., Fiftieth Session, Supplement No. 1 (A/50/1).

[16] Ibid., Fifty-first Session, Supplement No. 1 (A/51/1).

[17] A/51/317.

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Recalling its resolution 50/52 of 11 December 1995,

Having considered the report of the Special Committee on the work of its session held in 1996,[18]

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[18]

2. Decides that the Special Committee will hold its next session from 27 January to 7 February 1997;

3. Requests the Special Committee, at its session in 1997, in accordance with paragraph 5 of resolution 50/52:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1997, including the revised proposal on the strengthening of the role of the United Nations in the maintenance of international peace and security, the revised working paper on the strengthening of the role of the United Nations in the maintenance of international peace and security; strengthening of the role of the Organization and enhancing its effectiveness[19] and the working paper on the draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts;[20]

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General[21] in this regard, the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fifty-first session of the General Assembly, the debate in the sub-group on sanctions of the Open-ended Working Group on an Agenda for Peace during the fiftieth session of the General

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[18] Official Records of the General Assembly, Fifty-first Session, Supplement No. 33 (A/51/33).

[19] See Official Records of the General Assembly, Fiftieth Session, Supplement No. 33 (A/50/33), para. 47.

[20] Ibid., para. 128.

[21] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/423, A/50/361 and A/51/317.

Assembly and, in particular, the implementation of the provisions of General Assembly resolutions 50/51 and 51/...;

(c) To continue its work on the question of the peaceful settlement of disputes between States, and in this context to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General[22] submitted according to resolution 50/55 and the views of the States expressed on this subject during the fifty-first session of the General Assembly;

4. Requests the Secretary-General, taking into account the views expressed and the practical suggestions made during the debates held within the framework of the Special Committee, to expedite the preparation and publication of the Supplements to the Repertoire of the Practice of the Security Council[23] and the Repertory of Practice of United Nations Organs and to submit a progress report on the matter to the General Assembly before its fifty-second session;

5. Invites the Special Committee at its session in 1997 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, and to discuss how to offer its assistance to the working groups of the General Assembly in this field and in this regard to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose;

6. Requests the Special Committee to submit a report on its work to the General Assembly at the fifty-second session;

7. Decides to include in the provisional agenda of its fifty-second session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[22] See Official Records of the General Assembly, Fiftieth Session, Supplement No. 1 (A/50/1).

[23] See A/C.6/51/SR.5.

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27 November 1996

ORIGINAL: ENGLISH

Fifty-first session
SIXTH COMMITTEE
Agenda items 150 and 116

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

Programme budget implications of draft resolution A/C.6/51/L.20

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

1. The present statement is provided to facilitate the work of the Sixth Committee and does not make reference to the various programme aspects, which would normally be presented with the financial implications of the above resolution.

A. Requests contained in the draft resolution

2. Under the terms of operative paragraph 2 of draft resolution A/C.6/51/L.20, the General Assembly would decide that the Special Committee would hold its next session from 27 January to 7 February 1997.

B. Relationship of the request to the approved programme of work

3. The above request is related to section 26E, Conference services, of the programme budget for the biennium 1996-1997.

C. Activities by which the requests would be implemented

4. Services would be provided for the meeting of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to be held from 27 January to 7 February 1997.

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D. Additional requirements at full cost

5. Conference-servicing requirements for the meeting of the Special Committee are estimated on a full-cost basis at $288,900 based on the following assumptions:

(a) Under the terms of the draft resolution, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization will convene for a period of two weeks, from 27 January to 7 February 1997;

(b) The requirements would be for two meetings per day (one in the morning and one in the afternoon) with interpretation services in all six official languages. Ten pages of pre-session, 30 pages of in-session and 30 pages of post-session documentation in all six official languages would also be required;

(c) The inclusion of the meeting would be additional to the approved calendar of conferences and meetings for the biennium 1996-1997. The question of accommodating the additional meeting in the 1997 calendar is under review and subject to a recommendation to be made by the Fifth Committee to the General Assembly at its current session.

E. Summary

6. Should draft resolution A/C.6/51/L.20 be adopted, the requirements are estimated at $288,900, as detailed below:

Conference-servicing requirements

(United States dollars)

Pre-session documentation	12 600
Meeting servicing	201 700
In-session documentation	40 700
Post-session documentation	33 900
Total	288 900

7. Such requirements would be considered in the context of the Fifth Committee's decision, including the issue of accommodating the additional meeting in 1997 in the calendar of conferences, in December 1996 when it considers the results of the first performance report on the programme budget for the biennium 1996-1997.